

REMARKS

Claims 1-11, 13-33, and 35-42 are pending, with claims 1, 13, and 26 being independent. Claim 12 and 36 have been cancelled. Claims 1, 13, 26, 41, and 42 have been amended. Support for the amendments is found at, for example, page 18, lines 20-32. No new matter has been added.

Interview

Applicant would like to thank Examiners Pass and Ross for the courtesy extended to Applicant's representatives during a personal interview conducted on June 7, 2006. This reply reflects the substance of the interview.

Objection to claims 41 and 42

The Office Action objects to claims 41 and 42 as duplicating claim 31. Claims 41 and 42 have been amended and now recite "establishing a relation between the online health account and a logical partition on a larger pooled account for multiple users" and "establishing the online health account as a separate and distinct financial instrument from accounts of other users", respectively. Withdrawal of this objection is respectfully requested.

Deavers rejection

Claims 1, 4-13, 18, 20-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Deavers (6,044,352). Applicant has amended independent claims 1, 13, and 26 to obviate the rejection.

As amended, claim 1 recites a method of managing health care resources for a health care consumer. A health savings account is opened comprising a nontaxable section and a taxable section, wherein the taxable section of the health savings account is placed in an investment vehicle. The health care consumer is enabled to insert resources into the nontaxable section of the health savings account, such that resources are inserted into the nontaxable section before a user is obligated to pay tax on the resources. The health care consumer is enabled to insert resources into the taxable section of the health savings account, such that resources inserted into the taxable section are taxed. The health care consumer is enabled to withdraw resources from

the taxable section at will. Setting preferences for the health savings account are referenced, the setting preferences determining the manner in which the resources are withdrawn. Finally, the health care consumer is enabled to access the health savings account to reimburse a health care provider using the setting preferences to allocate resources.

Applicant respectfully requests reconsideration and withdrawal of the rejection because Deavers fails to describe or suggest at least one of the features recited in amended claim 1. For example, Deavers fails to describe or suggest “opening a health savings account, comprising a nontaxable section and a taxable section, wherein the taxable section of the health savings account is placed in an investment vehicle.”

Rather, Deavers teaches that opening and managing an account are performed on an account that is a unitary entity. Specifically, once the user opens an account in Deavers, the user is given a choice of selecting an investment vehicle for the *entire* account to be either taxable or tax-free. See Col. 3:52-54. The examples provided in Deavers patent demonstrate that Deavers describes a single, fully invested account without distinct nontaxable and taxable sections. For example, Deavers teaches maintaining an account containing a lump sum of money (e.g. 6K). See Col. 2, lines 17-18. The user will use some of the money stored in the account to pay insurance bills (e.g. 3K). See Col. 2, lines 19-20. However, the account in Deavers is not separated into taxable and nontaxable sections where the taxable portion is placed in an investment vehicle – instead, after the insurance premium is debited from the user's account, **all** of the remaining money in Deavers' account is invested into the mutual funds:

In one embodiment, a participant upon opening an account pay a certain sum of money. For example, an individual might pay \$6,000 of which \$3,000 would be for one year's insurance premium, and \$3,000 for medical expenses not covered by the insurance policy to satisfy minimums or deductibles. It is envisioned in one example for there always to be credit balance for an individual to cover three month's premiums. In the example, upon opening the account, the first month's premium, e.g. \$250 would be paid to the insurance company, and each subsequent month, the same amount would be payable to the insurance company. **The remaining money would be in the money market fund or mutual fund and dividends each month, or from time to time, would be credited to that participant's account.**

....

For a family participant the original money would be, for example, \$10,000, of which \$5,000 would be a one year insurance policy. **Again, for the family policy, \$416.67 would be sent to pay for each month's insurance premium, and the credit balance in that account would be invested in a mutual fund, income coming in from the mutual fund, and outlays of money for**

paying the insurance premium, and for payment of medical expenses which were drawn on the checks. See Col. 7, lines 17-42 (emphasis added)

Thus, Deavers treats a user's account as having only one section, which is fully placed into a single vehicle, such as a mutual fund or money market account.

In contrast to a single-section account of Deavers, the amended claim 1 recites a health savings account "comprising a nontaxable section and a taxable section," where the taxable section is placed in the investment vehicle. See Application page 21, line 33 – page 22, line 6. Therefore, Deavers fails to describe or suggest "opening a health savings account, comprising a nontaxable section and a taxable section, wherein the taxable section of the health savings account is placed in an investment vehicle," as required claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the § 102(e) rejection of amended independent claim 1 and its respective dependent claims.

Similarly, each of independent claims 13 and 26 recites a health care account comprising a nontaxable section and a taxable section. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of amended independent claims 13 and 26 and their respective dependent claims for the reasons discussed above with respect to amended independent claim 1.

Barber, Henley, and Barber with Deavers Rejections

Claims 2-3, 14-17, 19, 23-42 stand rejected under either 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) as being unpatentable over Barber(4,858,121), Barber in view of Henley (2002/0065758), Barber in view of Deavers, or Deavers in view of Barber.

Applicant respectfully requests reconsideration and withdrawal of the § 102(b) and § 103(a) rejection because Barber, Henley, or their combinations do not remedy the failure of Deavers to describe or suggest "opening a health savings account, comprising a nontaxable section and a taxable section, wherein the taxable section of the health savings account is placed in an investment vehicle," as recited in amended independent claims 1, 13, and 26.

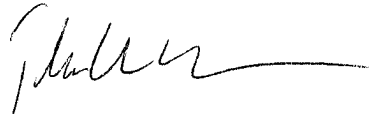
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Pursuant to 37 CFR §1.136, Applicant hereby petitions that the period for response to the action dated February 10, 2006, be extended for one month. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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Thomas A. Rozylowicz
Reg. No. 50,620

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331